



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MAXIMIZING DATA RATE BY ADJUSTING CODES AND CODE RATES IN CDMA SYSTEM

the specification of which (check one)

☐ is attached hereto.

☒ was filed on January 31, 2001 as United States Application

Number or PCT International Application No. 09/773,253

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number) (Filing Date)

(Application Number) (Filing Date)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/447,022	November 22, 1999	Pending
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
09/263,358	March 5, 1999	Pending
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
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As a named inventor, I hereby appoint the attorneys and/or agents associated with
Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799
Customer No. 21005,

and _____,

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to:

☒ **Customer No. 21005**
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

or

☐ **Address as follows:**

Direct telephone calls to: David J. Thibodeau, Jr. Telephone No.: 781-861-6240

Direct facsimiles to: David J. Thibodeau, Jr. Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first inventor John E. Hoffmann
Inventor's Signature _____ Date _____
Residence 516 Latania Palm Drive
Indianalantic, Florida 32903
Citizenship USA
Mailing Address Same as above.

Full name of second joint

inventor, if any George Rodney Nelson, Jr.

Inventor's Signature _____ Date _____

Residence 207 Sykes Loop Drive

Merritt Island, Florida 32953

Citizenship USA

Mailing Address Same as above.

Full name of third joint

inventor, if any Daniel I. Riley

Inventor's Signature _____ Date _____

Residence 7620 Greenboro Drive, Apt. #15

West Melbourne, Florida 32904

Citizenship USA

Mailing Address Same as above.

Full name of fourth joint

inventor, if any Antoine J. Rouphael

Inventor's Signature *Antoine J. Rouphael* Date 64/03/61

Residence 3503 Wild Oak Lane

Escondido, California 92027

Citizenship USA

Mailing Address Same as above.

Full name of fifth joint

inventor, if any James A. Proctor, Jr.

Inventor's Signature _____ Date _____

Residence 440 Mosswood Blvd.

Indianapolis, Florida 32903

Citizenship USA

Mailing Address Same as above.



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Full name of sole

or first inventor John E. Hoffmann

Inventor's Signature John E Hoffmann Date 04/05/01

Residence 516 Latania Palm Drive

Indialantic, Florida 32903

Citizenship USA

Mailing Address Same as above.

Full name of second joint

inventor, if any George Rodney Nelson Jr.

Inventor's Signature

George Rodney Nelson Jr.

Date

07/06/01

Residence

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Merritt Island, Florida 32953

Citizenship

USA

Mailing Address

Same as above.

Full name of third joint

inventor, if any Daniel I. Riley

Inventor's Signature

Daniel I. Riley

Date

3/29/01

Residence

7620 Greenboro Drive, Apt. #15

West Melbourne, Florida 32904

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USA

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Same as above.

Full name of fourth joint

inventor, if any Antoine J. Rouphael

Inventor's Signature

Date

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Citizenship

USA

Mailing Address

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Full name of fifth joint

inventor, if any James A. Proctor, Jr.

Inventor's Signature

James A. Proctor Jr.

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4/02/01

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